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by the governor. The commission was directed to meet within ten days and to organize by the election of a chairman and secretary. An appropriation of \$2500 was made to pay the actual and necessary expenses of the commission.

The commission was directed to urge upon the president and congress of the United States the immediate enactment into law of the recommendations set forth by the governor of New York and the legislature on the subject of the alien insane together with such other and further amendments to the federal laws as the commission may deem necessary or advisable.

The commission is further directed to secure the coöperation of other States affected by or interested in the matters pertaining to the alien insane to the end that all necessary amendments to the federal laws may be secured forthwith.

The creation of this commission was the result of an investigation concerning the condition of the alien insane in New York State. This report was submitted by the governor to the legislature in February, 1914, together with a special message and the legislature passed a concurrent resolution urging federal legislation to prevent immigration of insane aliens. Subsequently, the law creating the commission was enacted.

Interstate Commerce—Intoxicating Liquors. An important change was made in the relation of state and federal legislation on the subject of interstate commerce in intoxicating liquors by the passage of the Webb-Kenyon act in March, 1913, which was entitled "An act divesting intoxicating liquors of their interstate character in certain cases." This act provided that the "shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented or other intoxicating liquor of any kind from one State, territory or district of the United States or place non-contiguous to but subject to the jurisdiction thereof or from any foreign country into any State, territory or district of the United States or place non-contiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold or in any manner used either in the original package or otherwise in violation of any law of such State, territory or district of the United States or place non-contiguous to but subject to the jurisdiction thereof are hereby prohibited."

The bill was vetoed by President Taft in the closing days of his term, on the constitutional ground that congress could not divest itself of the power over interstate commerce and could not grant to the States the right to prohibit liquor as a commodity of interstate commerce. The objections were not sustained by the congress and the bill was passed over the veto of the President.

This law had for several years been the goal of the prohibition forces. Prohibition and local option laws had been frequently nullified by the lack of power on the part of States to prevent shipment from other States into dry territory. The Wilson act of 1890 had helped a little to overcome the difficulty with its provisions that shipments in interstate commerce upon crossing State lines should be subject to State laws, enacted in the exercise of police powers to the same extent as if the liquor had been produced in the State. The Wilson law was upheld by the supreme court in 140 U.S. 555. The greater ease of preventing shipment into dry territory, over preventing sale within dry territory led to the present law.

Immediately following the enactment of the law, the States began to take advantage of the power conferred and in some cases anticipated the passage of the law. Kansas passed an act, before the enactment of the law by congress, prohibiting any person or common carrier from bringing liquor into the state or from transporting it within the State, except for lawful purposes. If brought in for lawful purposes a record must be filed by the carrier showing the nature of shipment and quantity. The law declared that the act should be construed in harmony with all federal statutes on the subject of interstate commerce in intoxicating liquors.

Florida was the first to take direct advantage of the Webb-Kenyon act and at the session the summer following (L 1913 p. 372) passed a law reciting the new federal act and prohibiting shipment into dry territory of any liquor intended for unlawful sale. Liquors shipped in violation of the law were made subject to seizure and destruction from the time of their arrival within the State.

The Tennessee act passed at a special session in October, 1913, prohibits the shipment into the State or shipment within the State of any intoxicating liquors except as provided by the act. The law requires that carriers keep a record of shipments which must be filed in the office of the county clerk. The record must show the purchaser, time of purchase and purpose for which ordered. The law expressly authorizes the purchase for personal use of quantities less than one gallon,

and the benefits of the law consist primarily therefore in the record kept in the county clerk's office. Substantially the same law was passed in Mississippi in 1914. Both States though prohibition States, expressly authorize shipments intended for personal use.

Texas at the special session in 1913 passed a law similar to the others prohibiting shipment of liquors from a point in any other State and consigned to any consignee in dry territory to be used for unlawful purposes.

Many laws in attempting to regulate shipments of liquor into dry territory had inadvertently come up against the constitutional barrier of interfering with interstate commerce. Other laws frankly raised the issue by prohibiting all shipments whether interstate or intrastate, and were declared unconstitutional, the most recent case of this kind being the provisions of the dispensary law of South Carolina which sought to prohibit shipments into the state for personal use. This was declared void in 78 S.E. 516.

In the meantime the federal act has been assailed in the courts growing out of the passage of State laws and cases are pending in the United States supreme court involving the validity of the act.

The first important point was won by the friends of the law in the case of *State vs. United States Express Co.* (Iowa) 145 N.W. 451. In this case the court held that the manufacture, sale and transportation of intoxicating liquor is subject to regulation and prohibition under the police powers of the State and that congress has the power to prohibit the shipment of intoxicating liquor into a State having the prohibitory law and thereby take such liquor out of the sphere of legitimate interstate commerce. It is held that the act simply removes the bar existing to the enforcement of police regulations by the State, because of the interstate character of the transaction. Congress did not use terms of permission to the States to act, but simply removed an impediment to the enforcement of the State laws in respect to imported packages in their original condition. One of the important holdings in this case was to the effect that after the Webb-Kenyon act was passed, it was not necessary for the State to re-enact its laws, regulating the sale and transportation of liquors. All State laws prohibiting shipment of liquor into dry territory are thus under this decision made to apply automatically to interstate shipments in the same manner as they have formerly applied to intrastate shipments.